

November 3, 2011

TO: Interested Parties

FROM: David B. Kendall, Senior Fellow for Health and Fiscal Policy and
Ryan McConaghy, Director of the Economic Program

RE: Attention Tea Party! Sequestration Affects Your Lives Too

If the “Super Committee” fails and sequestration occurs, the cuts would be devastating to Head Start, aid to schools, low-income energy assistance, community health centers, scientific research and scores of other government programs causing hardship, inconvenience, and economic losses. But this memo looks at the impact of the across-the-board cuts on the daily lives of millions of Americans who generally see very little value in what the government does.

To the casual observer of the “Super Committee” debate, the penalty for failure—sequestration—may be abstract. Should it come to pass, however, sequestration would affect Americans in concrete ways, from the child under the school lunch program to the Second Amendment enthusiast attending a gun show.

Without an agreement within the committee and enactment of legislation to reduce the deficit by at least \$1.2 trillion over ten years, automatic reductions would take effect to achieve the same amount of deficit reduction. The Congressional Budget Office projects that sequestration would initially require 7.8% cuts to non-defense, discretionary spending.¹

Congress could choose how to implement the cuts, taking more from some programs and less than others. But if it didn’t, then the Administration would have to make across-the-board cuts.² The Administration would have to apply the cuts uniformly to all programs, projects and activities within each budget category.³ It would have very little opportunity to sort out worthy from wasteful spending and prioritize essential services.

The threat of sequestration is yet another reason why it is of critical economic and social importance that a balanced deal that achieves \$1.2 trillion in deficit reduction or more is reached.

Impact #1 12,000 Criminals Evade Incarceration

State and local police arrest most criminals. But some of the biggest criminals belong to the feds. Mafia crime bosses, terrorists, drug traffickers, gun runners, Ponzi-schemers, child pornographers, and Internet scam artists are among the criminals that must be investigated and prosecuted at the federal level. The Drug Enforcement Agency, Customs and Border Protection, and the FBI depend on Congressional funding to fight these criminals. In 2008, federal agents at these agencies and others

made 175,556 arrests and their attorneys convicted 82,823 criminals.⁴ Sequestration would mean a loss of **“3,700 FBI, DEA, ATF agents and US Marshalls, along with 975 attorneys,”** according to a letter to “Super Committee” by Rep. Norm Dicks, the ranking member of the House Committee on Appropriations.⁵

Each federal agent is responsible for 7.1 arrests on average each year, of which 47% result in a conviction.⁶ Sequestration could result in **26,148 fewer arrests from fewer agents and 12,290 fewer convictions.**⁷

Impact #2 Possible Prison Furloughs

Federal prisons currently hold 215,000 convicted felons.⁸ These prisons are notoriously understaffed. In the last twelve years, the number of inmates per prison staff member rose 32%.⁹ Violence against staff has increased in turn. In 2008, two inmates murdered Correctional Officer Jose Rivera, drawing widespread attention to the understaffing problem. Since then, 6,000 prison staff positions have gone vacant due to a hiring freeze required by cuts in the last fiscal year. Sequestration could require the Bureau of Prisons (BOP) to **lay off an additional 6,891 correctional officers, increasing the inmate-to-staff ratio from 4.95 to 6.52.**¹⁰ **That ratio would be higher than the 5.52¹¹ ratio in California’s prison system, which the Supreme Court recently ruled was overcrowded.**¹² **The court ordered California to reduce the number of prisoners held by more than 30,000.**¹³ The Administration would surely try to avoid the early release of prisoners and dangerous work conditions for prison staff, but the cuts likely would push federal prisons beyond their capacity. Any cuts not made to prisons would require even larger cuts in other sections of the Department of Justice.¹⁴

Impact #3 A More Porous Southern Border

About 17,500 federal agents patrol the U.S.-Mexico border.¹⁵ That is nine agents per mile. For the last several years, Congress has been beefing up the U.S. Border Patrol to control immigration and clamp down on violence along the border. Because there are other fixed costs that cannot be cut as much, Sequestration **would cut the number of agents by 25%**, because the new budget limits would take the Border Patrol back to 2007 levels, according to a letter by Rep. Norm Dicks, the ranking member of the House Committee on Appropriations to the super committee.¹⁶ It would reduce the number of agents to fewer than seven per mile. If the U.S. Border Patrol tried to minimize cutting agents along the Southern border, then it would have to cut every single agent along the northern border and along coastal areas instead. Those areas have 12% of all border patrol agents.¹⁷

Impact #4 Higher Incidence of Asthma and Lung Disease

One critical job of the Environmental Protection Agency is to find and fine violators of the Clean Air Act. It conducts about 20,000 inspections each year.¹⁸ In one of the largest enforcement cases, the EPA required American Electric Power to cut 1.6 billion pounds of air pollution from its coal-fired power plants and spend \$60 million to

mitigate past emissions.¹⁹ That made 2008 a banner year. The EPA's 10 largest enforcement actions reduced emissions enough to prevent 4,000 deaths from heart or lung disease and prevent 30,000 victims of asthma, most of which would have been children.²⁰ In 2010, the EPA's enforcement prevented 680 to 1,700 deaths from heart or lung disease and 12,000 fewer cases of asthma.²¹

Should EPA's enforcement drop one-to-one with funding cuts, a sequestration could cause **at least 53 people to die from heart or lung disease and 936 people to become asthmatic.**²²

Impact #5 50,000 New Cases of Food Poisoning

Every day the Department of Agriculture's Food Safety and Inspection Service (FSIS) enforces laws that regulate meat, poultry and egg production. The FSIS inspects slaughterhouses and meat processing plants – and it trains workers in these facilities. The FSIS also responds to contamination outbreaks, and it works to prevent them by monitoring data to pinpoint high risk sources of contamination. If sequestration cut FSIS personnel by 7.8%, the agency would **lose 608 inspectors.**²³ An equivalent impact on performance would mean **49,920 more Americans would contract salmonella, E. coli or other meat and egg related illnesses each year.**²⁴

Impact #6 More Time on the Tarmac

More than one million people fly every day in the United States. These passengers' timely arrival at their destinations depends largely on the country's air traffic control system. **Shortfalls in the air traffic control system alone—not weather—caused an average of 11,852 flight cancellations and 263,172 delays** over the last year.²⁵ This inefficiency is costly to passengers, airlines and the overall economy.

A full sequestration would increase damaging system-induced delays and cancellations. With a 7.8% reduction, the FAA would lose more than 1,200 air traffic controllers.²⁶ A proportional decrease in the air traffic control system's efficiency would **add 924 flight cancellations and 20,527 delays annually.**²⁷ **At the U.S. average of 49 passengers per flight, that's enough to strand 45,276 more people at the gate and make 1,005,823 more people late every year.**²⁸

Impact #7 252,000 Pounds of Unscreened Luggage

Congress passed a law in 2007 requiring the Transportation Security Administration (TSA) to screen all cargo on passenger flights bound for U.S. airports. The TSA now screens 100% of cargo on domestic flights, but not on inbound international flights. As of last year, only 65% of such cargo was screened.²⁹ That amounts to 2.1 billion pounds of unscreened luggage on U.S. passenger flights each year.³⁰ The al-Qaeda in the Arabian Peninsula "toner cartridge" bombing attempt of two cargo planes in October 2010 suggests this is a gap terrorists are looking to exploit. If TSA faces a 7.8% funding cut, the agency will not be able to increase international screening and would leave an additional **252,000 pounds of luggage**

unscreened on international flights.³¹ The cuts would also halt TSA's investments in new cargo-screening technologies, which could be used to make screening faster.³²

Impact #8 Tax Cheats Going Scot-Free

The IRS collected \$57.6 billion last year from individuals and corporations cheating on their taxes.³³ With 23,261 revenue agents and officers, the IRS uncovers cheating through traditional methods such as audits as well as by comparing tax returns with data provided independently from returns such as mortgage interest data from banks or wage data from employers.³⁴ It has also stepped up efforts to shut down off-shore tax havens and multinational financial crime syndicates.³⁵

Sequestration at the IRS would mean **2,326 fewer revenue agents and officers looking for cheaters and \$4.5 billion less tax revenue.**³⁶ With less revenue, deficits would rise as would taxpayer-financed interest on the debt. Specifically, that would mean each U.S. household would have to finance \$31 to cover what tax cheats would not pay.³⁷

Impact #9 Unreliable Weather Forecasts

Weather forecast models used by The Weather Channel and your local meteorologist get 93% of their data from polar-orbiting satellites.³⁸ Most weather satellites rotate with the Earth, effectively hovering over one location. But polar-orbiting satellites circle from pole to pole as the Earth rotates below. Since 1960, these satellites have gathered unique data that improve medium and long-term forecasts, particularly of extreme events like hurricanes, tornadoes and blizzards.³⁹

In order to maintain reliable weather forecasts, the nation will need a new polar-orbiting satellite in 2016. If funding is locked at 7.8% below 2011 levels, the National Oceanic and Atmospheric Administration would receive less than half of the \$1.1 billion needed to finish the next satellite on time, and its ability to monitor the weather would be significantly disrupted.⁴⁰ As weather events continue to become more severe, our weather forecasts would be only half as accurate for two to four years until another polar satellite is launched.⁴¹ **For many people planning a weekend outdoors, they may have to wait until Thursday for a forecast as accurate as one they now get on Monday.**⁴² Farmers and fishermen, whose incomes depend on accurate forecasts, stand to lose when the satellite data disappears. Perhaps most affected would be hurricane response. **Governors and mayors would have to order evacuations for areas twice as large or wait twice as long for an accurate forecast.**⁴³ **If they err on the side of safety, that could mean twice as many evacuees—2.3 million more—for an Irene-sized East Coast hurricane.**⁴⁴

Impact #10 Gun Purchase Delays

The National Instant Criminal Background Check System keeps known criminals and other prohibited individuals from purchasing guns without interfering with purchases by law abiding citizens. Enacted after the shooting of President Ronald Reagan, the Brady bill requires that stores selling guns do a background check on purchasers. Initially, that check took as long as three days. With the launch of the instant check system in 1998, it takes 30 seconds.⁴⁵ The system is available 17 hours a day, seven days a week.⁴⁶ Last year, it denied 72,659 gun purchases.⁴⁷

With sequestration, the instant check system might shut down for nine hours on Saturdays or Sundays to accommodate a 7.8% cut, **limiting gun shows and gun stores ability to do business on the weekend.**⁴⁸ The cuts would inconvenience legitimate gun owners and make it possible that some criminals might clear a background check erroneously.⁴⁹

Conclusion

There is a solution to this problem: Congress and the President enact a balanced deficit reduction plan that hits the \$1.2 trillion mark or higher. Sequestration, should it occur is a failure, and that failure would have real consequences are equally as bad—no matter who you are.

Summary:

How Sequestration Impacts People Who Get “Nothing” From Government

Area	Impact	Consequence
Law and Order	3,700 fewer federal law enforcement agents and 975 fewer attorneys	26,148 fewer arrests and 12,290 fewer convictions
Behind Bars	BOP could have to lay off 6,891 more correctional officers	Inmate-to-staff ratios could jump from 4.95 to 6.52, creating overcrowding and dangerous conditions
Border Security	25% fewer border agents	Fewer than seven agents per mile on the southern border OR no agents along the northern border and coastal areas
Clean Air	Cut EPA Clean Air Act inspections and enforcement	53 deaths from heart and lung disease and 936 new asthma cases
Food Safety	608 fewer FSIS inspectors checking meat and poultry	49,920 more cases of salmonella, E. coli, and other food borne illnesses
Unfriendly Skies	1,200 fewer air traffic controllers	924 more flight cancellations stranding 45,276 people, and 205,527 delays hindering 1,005,823 travellers
Flight Screening	TSA prevented from increasing international cargo screening	252,000 pounds of unscreened cargo on international passenger flights
Tax Cheats	2,326 fewer IRS agents and officers looking for tax cheats	\$4.5 billion less in tax revenue
Cloudy Forecasts	Delay NOAA’s ability to finish and deploy a new weather monitoring satellite	Forecasts and response to severe weather delayed, will need to wait until Thursday for a forecast as accurate as currently given on Monday
Gun Purchase Delays	Instant background check shut down for nine hours on weekend days	Weekend business for gun shows and stores limited, legal gun purchases delayed, increased odds of false clearance for criminals.

Note on methodology: The estimates of the impact of cuts are meant to illustrate one possible result from sequestration. They assume a proportional relationship between funding levels and outputs. That is, for a 7.8% cut, there would be 7.8% less output. The actual impact might vary considerably from these estimates due to the unique responses to sequestration by each federal agency.

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Endnotes

¹ Discretionary spending is subject to annual appropriations, and mandatory spending like Social Security is simply authorized by Congress. The bulk of mandatory spending programs like Social Security and Medicaid would be exempt from automatic cuts. Medicare would also receive special treatment with cuts limited to 2%. The initial sequestration amount for defense discretionary spending would be 10%. United States, Congressional Budget Office, "Estimated Impact of Automatic Budget Enforcement Procedures Specified in the Budget Control Act," Report, September 12, 2011. Accessed October 19, 2011. Available at: <http://cbo.gov/doc.cfm?index=12414>.

² Congress has altered most of the previous sequestrations, the first of which was in 1986. Robert Keith, "Budget Sequesters: A Brief Review," CRS Report for Congress, March 8, 2004, p.4. Accessed October 28, 2011. Available at: http://democrats.rules.house.gov/CRS_Rpt/RS20398.pdf.

³ Republican National Committee, Statement by Rich Meade, August 4, 2011. Accessed October 28, 2011. Available at: <http://www.bksh.com/practitioners-corner/budget-control-act-breakdown>.

⁴ United States, Department of Justice, Office of Justice Programs, "Federal Justice Statistics, 2008 – Statistical Tables," Report, NCJ 231822, Table 1.1, November 2010. Accessed October 25, 2011. Available at: <http://bjs.ojp.usdoj.gov/content/pub/html/fjsst/2008/fjs08st.pdf>.

⁵ United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 5. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>.

⁶ Authors' calculations based on 24,842 federal agents. See United States, Department of Justice, "FY 2008 Resource Information," *FY 2008 Performance and Accountability Report*, November 12, 2008. Accessed November 1, 2011. Available at: <http://www.justice.gov/ag/annualreports/pr2008/TableofContents.htm>

⁷ Authors' calculations based on "Federal Justice Statistics, 2008 – Statistical Tables," Report, NCJ 231822, Tables 1.1, 5.1, November 2010. Accessed October 25, 2011. Available at: <http://bjs.ojp.usdoj.gov/content/pub/html/fjsst/2008/fjs08st.pdf>

⁸ 2010 projection. See "Federal Prisons," American Federation of Government Employees, February 9, 2009. Accessed October 25, 2011. Available at: <http://www.afge.org/index.cfm?page=2009conferenceissuepapers&fuse=content&contentid=1730>.

⁹ Inmate-to-staff ratio rose from 3.7 in 1997 to 4.9 in 2009. See "Federal Prisons."

¹⁰ United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 5. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>.

¹¹ Authors calculations based on 165,747 prisoners. See "Average Daily Prison Population Calendar Year 2010," State of California, Department of Corrections, p. 1. Accessed November 1, 2011. Available at: http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/IPOP2/IPOP2d1012.pdf. Calculations also based on 30,000 peace officers. See United States, State of California, Employment Development Department, "Correctional Officers and Jailers in California," 2010. Accessed November 1, 2011. Available at: <http://www.labormarketinfo.edd.ca.gov/ocguides/Detail.aspx?Soccode=333012&Geography=0601000000>.

¹² The U.S. Supreme Court ruling was based on the staffing and facility capacities of California prisons. See *Brown, Governor Of California, et al. v. Plata et al.*, No. 09–1233, United States Supreme Court, May 23, 2011. Accessed November 1, 2011. Available at: www.supremecourt.gov/opinions/10pdf/09-1233.pdf.

¹³ Robert Barnes, "Justice upholds order that may release thousands of Cali. Inmates," *The Washington Post*, May 23, 2011. Accessed November 1, 2011. Available at: http://www.washingtonpost.com/politics/supreme-court-upholds-order-that-may-release-thousands-of-california-inmates/2011/05/23/AFY2ou9G_story.html

¹⁴ United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 6. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>.

¹⁵ United States, Department of Homeland Security, Border Patrol, "U.S. Border Patrol Fiscal Year Staffing Statistics," September 14, 2011, p. 2. Accessed October 28, 2011. Available at: http://www.cbp.gov/xp/cgov/border_security/border_patrol/usbp_statistics/

¹⁶ United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 4. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>.

¹⁷ United States, Department of Homeland Security, Border Patrol, "U.S. Border Patrol Fiscal Year Staffing Statistics," p.2.

¹⁸ United States, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, "Fiscal Year 2010 EPA Enforcement & Compliance Annual Results," December 2, 2010, p. 23.

¹⁹ United States, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, "OECA FY 2008 Accomplishments Report," December 2008, p. 14. Accessed October 25, 2011. Available at: <http://www.epa.gov/compliance/resources/reports/accomplishments/oeca/fy08accomplishment.pdf>

²⁰ Ibid.

²¹ United States, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, "Compliance and Enforcement Annual Results 2010 Fiscal Year," February 3, 2011. Accessed November 1, 2011. Available at: <http://www.epa.gov/compliance/resources/reports/endofyear/eoy2010/air/benefits.html>.

²² Authors' calculations based on "Compliance and Enforcement Annual Results 2010 Fiscal Year." If the calculations were based on the EPA's 2008 performance, then sequestration could cause 312 people to die from heart or lung disease and 2,340 people to become asthmatic.

²³ Authors' calculation based on 7,800 FSIS inspectors. See United States, Department of Agriculture and NSF International, "Advancements in Food Safety Education: Trends, Tools and Technologies," Conference, March 23-26, 2010, p. 39. Accessed November 1, 2011. Available at: http://www.fsis.usda.gov/PDF/Atlanta2010/2010_Education_Conference_Program.pdf.

²⁴ United States, Department of Agriculture, "2010 Performance and Accountability Report," Report, November 15, 2010, p. 72. Accessed October 28, 2011. Available at: http://www.ocfo.usda.gov/usdarpt/pdf/2k10_USDA_PAR_11.18.2010_508_FINAL.pdf

²⁵ Authors' calculations based on the fact that the national aviation system causes 13% of flight cancellations and 26% of flight delays. See United States, Government Accountability Office, "Airline Passenger Protection," Report to Congressional Requesters, GAO-11-733, pp. 74-5, September 2011. Accessed October 25, 2011. Available at: <http://www.gao.gov/new.items/d11733.pdf>. Calculation also derived from annual average of cancelled and delayed flights from 2007 to 2010. See "On-Time Performance – Flight Delays at a Glance," United States, Department of Transportation, Bureau of Transportation Statistics. Accessed October 25, 2011. Available at: <http://www.transtats.bts.gov/HomeDrillChart.asp>.

²⁶ United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 6. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>. There are currently 15,594 air traffic controllers. See United States, Federal Aviation Administration, "Administrator's Fact Book," March 2011, p. 31. Available at: http://www.faa.gov/about/office_org/headquarters_offices/aba/admin_factbook/.

²⁷ Authors' calculations based on "Airline Passenger Protection" and "On-Time Performance – Flight Delays at a Glance."

²⁸ Ibid.

²⁹ Massimo Calabresi, "The Weak Spot in Air Security: Cargo Screening," *TIME*, November 2, 2010. Accessed October 28, 2011. Available at: <http://www.time.com/time/nation/article/0,8599,2028872,00.html>.

³⁰ Mike M. Ahlers, "TSA to Miss Goal to Inspect All Cargo on International Flights," CNN, October 13, 2011. Accessed October 28, 2011. Available at: http://articles.cnn.com/2011-10-13/us/us_tsa-cargo-inspections_1_tsa-administrator-john-pistole-airforwarders-association-certified-cargo-screening-program?s=PM:US.

³¹ Authors' calculations based on Massimo Calabresi, "The Weak Spot in Air Security: Cargo Screening," and Mike M. Ahlers, "TSA to Miss Goal to Inspect All Cargo on International Flights."

³² United States, Congress, House of Representatives, Committee on Appropriations, "Letter to the Joint Select Committee on Deficit Reduction," by Rep. Norman Dicks, October 13, 2011, p. 6. Accessed October 25, 2011. Available at: <http://democrats.appropriations.house.gov/>.

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³⁵ Ibid.

³⁶ Authors' calculations based on "2010 Performance and Accountability Report" and "Personnel Summary, by Employment Status, Budget Activity, and Selected Type of Personnel, Fiscal Years 2009 and 2010."

³⁷ Authors' calculation based on "SOI Tax Stats - Individual Statistical Tables by Filing Status," 2009 IRS, Table 1.2. Accessed on November 1, 2011. Available at: <http://www.irs.gov/taxstats/indtaxstats/article/0,,id=96978,00.html>.

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⁴⁰ FY 2011 funding for the Joint Polar Satellite System was \$483 million. See Alice Lipowicz, "Satellites, telescopes worthy of funding, Senate says," *Federal Computer Weekly*, September 20, 2011. Accessed October 28, 2011. Available at: <http://fcw.com/articles/2011/09/20/senate-panel-boosts-polar-satellite-and-nasa-space-telescope.aspx>. NOAA has requested \$1.1 billion for FY 2012. HAC has approved \$901 million and SAC \$920 million; See *Space Times*, September/October 2011, Issue 5, Vol. 50. Accessed October 28, 2011. Available at: http://astronautical.org/sites/default/files/spacetimes/spacetimes_50-5.pdf.

⁴¹ Kate Spinner, "Satellite gap could put hurricane forecasts at risk."

⁴² The accuracy of seven day forecasts will only be achieved in three to five days. See Andrew Freeman, "NOAA warns weather forecasts will suffer from budget cuts," *The Washington Post*, March 31, 2011. Accessed October 28, 2011. Available at: http://www.washingtonpost.com/blogs/capital-weather-gang/post/noaa-warns-weather-forecasts-will-suffer-from-budget-cuts/2011/03/31/AFKsct9B_blog.html.

⁴³ Kate Spinner, "Satellite gap could put hurricane forecasts at risk."

⁴⁴ Kim Severson et al, "Damage and Flooding Scar Atlantic Seaboard," *The New York Times*, August 27, 2011. Accessed November 1, 2011. Available at: <http://www.nytimes.com/2011/08/28/us/28hurricane-irene.html?pagewanted=all>.

⁴⁵ United States, Department of Justice, Federal Bureau of Investigation, "National Instant Criminal Background Check System Fact Sheet." Accessed October 28, 2011. Available at: <http://www.fbi.gov/about-us/cjis/nics/general-information/fact-sheet>.

⁴⁶ United States, Department of Justice, Federal Bureau of Investigation, "National Instant Criminal Background Check System." Accessed November 1, 2011. Available at: <http://www.fbi.gov/about-us/cjis/nics>.

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⁴⁹ When a criminal background check is delayed, the law allows the gun seller to legally transfer the firearm if the check is not resolved within three business days. See "National Instant Criminal Background Check System (NICS) Operations 2010."